

Service Date: March 15, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

IN THE MATTER OF the Application of	)	UTILITY DIVISION
Multiband Communications, Inc. and	)	
U S WEST Communications, Inc.	)	DOCKET NO. D99.10.240
Pursuant to Section 252(e) of the	)	
Telecommunications Act of 1996 for	)	ORDER NO. 6216a
Approval of their Adoption and Wireline	)	
Interconnection Agreement and First Amendment	)	

**ORDER ON RECONSIDERATION**

Background

1. On December 13, 1999, the Montana Public Service Commission (Commission) issued Final Order No. 6216 in this docket, rejecting as not in the public interest a portion of Section 7.3.4 of the Multiband/U S West Agreement. The rejected portion reads: "Multiband must use leased space promptly and may not warehouse space for later use or sublease to another provider." The Commission found that this "has the potential to discriminate against a carrier not a party to the Agreement by preventing a possible mechanism for acquiring scarce collocation space." Order No. 6216 at 8.

2. On January 18, 2000, U S West filed a Motion for Reconsideration asking the Commission to reverse its decision to reject the language quoted above from Section 7.3.4 of the Agreement. U S West stated:

The quoted language is not intended to prohibit the subleasing of collocation space. It is intended to prohibit the warehousing of collocation space, which needs to be managed as a finite resource. U S West will allow an interconnector to sublease collocation space it no longer needs or wants. What it will not allow is the warehousing of collocation space, for any purpose, including later subleasing. The language recognizes the general policies of the Federal Communications Commission, which favor subleasing, and disfavor warehousing.

Motion for Reconsideration at 3.

Discussion

On reconsideration the Commission concurs with U S West that it is not in the public interest, or in the interest of furthering competition, to allow a collocater to control entry into central office space. The Commission accepts U S West's explanation as reasonable, and will find Section 7.3.4 of the Agreement in the public interest.

Conclusions of Law

The Commission adopts by reference the Conclusions of Law at Order No. 6216 in this docket.

Order

U S West's Motion for Reconsideration is granted. Section 7.3.4 of the Multiband/U S West Agreement does not discriminate against carriers not party to the Agreement and is otherwise in the public interest.

DONE AND DATED this 25th day of January, 2000, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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DAVE FISHER, Chairman

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NANCY McCaffree, Vice-Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)